

Johnson County Plan Commission

April 27, 2020 Meeting Minutes

The Johnson County Advisory Plan Commission met on Monday, April 27, 2020 in the Johnson County Courthouse Annex Auditorium. The meeting was called to order at 6:00 PM by Chair Dan Cartwright. This meeting was conducted online via a Zoom meeting due to the COVID-19 pandemic restrictions.

Attorney Stephen Watson stated that this meeting was legal under the law made by the Executive Order of the Indiana State Governor that meetings of a remote video nature during this emergency are permitted and the Public Access Counselor and Commissioner for Local Government Finance have provided guidance on how to conduct these types of meetings.

I. ROLL CALL:

Present: Chad Bowman, Charlie Canary, Dan Cartwright, Sarah Hanson, Pete Ketchum, John Schilling, Pat Vercauteren, Ron West, Attorney Stephen Watson (Legal Counsel - not voting), David Hittle (Director – not voting), Michele Hansard (Senior Planner – not voting) and Angela Olson (Recording Secretary – not voting).

Absent: Gregg Cantwell and Jonathan Myers (Alternate)

II. APPROVAL OF MEETING MINUTES:

Chair Cartwright called for a motion to approve the February 24, 2020 Plan Commission meeting minutes.

Motion: Approval of February 24, 2020 Plan Commission meeting minutes. **Moved** by Pat Vercauteren. **Seconded** by Chad Bowman. **Yes:** Bowman, Canary, Cartwright, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

III. PUBLIC HEARINGS:

P-1-20; D.R. Horton – Indiana, LLC dba Westport Homes – Preliminary Plat for Meadows of Belleview Request. 90 acres northeast of the intersection of Mullinix and Olive Branch Roads

Staff advised the board members of the addendum for the March 23, 2020 meeting that this matter was continued from the February 24, 2020 meeting at the recommendation of Commissioner Ron West. Commissioner West specifically recommended that a special meeting be held to allow additional conversation between the Petitioner and concerned neighbors. That special meeting was held on March 12, 2020. Further, this matter was continued from the March 23, 2020 meeting due to public gathering restrictions related to the novel coronavirus pandemic.

Staff informed the board members that the Petitioner has submitted a list of proposed development commitments and that Remonstrators had sent letters and said letters were read into the record by the Chair from Matt Fox, Natalie Fox, Mike Colombe, Stephen Coffman, Lynn Heineman and Tiffany Usher.

Staff reiterated the findings and facts to the board and recommended approval of this request with the following condition:

Prior to submittal of construction plans, an easement or dedication right-of-way shall be provided along Mullinix Road to allow for installation of a passing blister, at the direction and discretion of the Johnson County Highway Department.

Attorney Brian Tuohy with Tuohy Bailey & Moore, LLP (50 S. Meridian St., Ste. 700, Indianapolis 46204), Developer Chris McKinney and Lisa Glaghorn with D.R. Horton – Indiana, LLC dba Westport Homes (9210 N. Meridian St., Indianapolis 46260), and Bob Staton of Banning Engineer (853 Columbia Rd., Ste. 101, Plainfield 46168) were present to speak and address concerns on behalf of the Petitioner. Powerpoint presentation was shown which included **Exhibit 2** (list of commitments).

Board members asked questions and expressed concerns, which were addressed by Petitioner, Remonstrators and staff, as follows:

- Q. Board member Dan Cartwright asked for confirmation that the site plan provided at the February 2020 meeting had been unchanged?
A. Yes.
- Q. Board member Chad Bowman referred to the Petitioner's list of commitments, specially line number three (3) and inquired as to what type of trees would be planted?
A. Shade and ornamental trees per the homeowner choice.
- Q. Board member Chad Bowman asked if the Petitioner would be agreeable to requiring that the trees had to be native?
A. Yes.
- Q. Board member Charlie Canary inquired as to whether or not that it was customary when determining the homes per acre to calculate on the buildable acreage or the whole entire parcel?
A. Density is universally calculated by the area of the entire piece of real estate divided by the number of dwelling units.
- Q. Board member Sarah Hanson asked if there would be some type of tree maintenance so that those tree commitments would always be met?
A. No.

- Q. Board member Dan Cartwright inquired as to whether or not the HOA could require that the trees be maintained with a certain number of calibers?

A. Yes, Petitioner is agreeable to have the HOA covenant mandate that for four (4) years that the four (4) trees be maintained with any replacements starting at a two inch (2") caliber with a minimum of two (2) trees in the front yard.
- Q. Board member Ron West asked what the price of the homes were being sold for in Bargserville?

A. Price range - \$298,000.00 to \$407,000.00.
- Q. Board member Ron West inquired as to whether or not Westport Homes was committed to not having higher grade materials?

A. Petitioner would rather not answer but in the spirit of compromise would be willing to have all of the homes that backup to Olive Branch and Mullinix Road prohibited from having vinyl siding (must be either brick, masonry, hardy plank or wood) and throughout the subdivision no less than one-third (1/3) of the homes would be allowed to have vinyl siding (must be either brick, masonry, hardy plank or wood).
- Q. Board member Charlie Canary asked how the board and planning department could move forward in the future to address these types of building standard concerns?

A. A committee has been formed to address building standards for future recommendation changes to the present ordinance(s).
- Q. Board member Dan Cartwright inquired as to how the Petitioner will be addressing privacy fences across easements in the proposed subdivision?

A. Homeowners Association will covenant restrictions on fences across easements.

Remonstrator Matt Fox (6108 Deercross Pl., Greenwood 46143) was present to express his concerns regarding building standards. Slideshow presentation shown.

Remonstrator Natalie Fox (6108 Deercross Pl., Greenwood 46143) was present to express his concerns regarding building standards.

Remonstrator Lynn Heineman (1845 Golden Field Dr., Greenwood 46143) was present to express her concerns regarding public hearing proceedings and building standards.

Remonstrator Chris Hommel (971 S. Stone Rd., Greenwood 46143) was present to express his concerns regarding building standards, flood zone, green space and drainage.

Motion: To approve the preliminary plat for Meadows of Belleview with the Petitioner's commitments (**Exhibit 2**), with the additional commitment to have the HOA covenant mandate that for four (4) years that the four (4) native shade and/or ornamental trees be maintained with

any replacements starting at a two inch (2") caliber with a minimum of two (2) native shade and/or ornamental trees in the front yard, to have all of the homes that backup to Olive Branch and Mullinix Road prohibited from having vinyl siding (must be either brick, masonry, hardy plank or wood) and throughout the subdivision no less than one-third (1/3) of the homes would be allowed to have vinyl siding (must be either brick, masonry, hardy plank or wood), that the Homeowners Association will covenant restrictions on fences across easements and that prior to submittal of construction plans, an easement or dedication right-of-way shall be provided along Mullinix Road to allow for installation of a passing blister, at the direction and discretion of the Johnson County Highway Department. **Moved** by Pat Vercauteren. **Seconded** by John Schilling. **Yes:** Bowman, Canary, Cartwright, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

Staff will prepare findings of facts on this matter for the board's approval at the June 22, 2020 meeting.

W-3-20; George Huizinga – Waiver Request. 4391 W. Smokey Row Rd.

Staff presented findings and facts to the board and recommended denial of this request.

Petitioner George Huizinga (374 Southwind Ln., Greenwood 46142) was present to speak and accept denial.

Board members asked questions and expressed concerns, which were addressed by Petitioner and staff, as follows:

- Q. Board member Gregg Cantwell inquired as to whether or not Petitioner would consider a one-hundred foot (100') easement for drainage in case in the future there would need to be a perimeter drain installed?

A. Yes.

Motion: To deny W-3-20 to provide for a two (2) lot minor subdivision with one of the lots having a depth-to-width ratio greater than 2:1 and Staff's Findings of Facts. **Moved** by Ron West. **Seconded** by Chad Bowman. **Yes:** Bowman, Canary, Cartwright, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None. **Motion approved 8-0.**

IV. ADJOURNMENT:

Chair Cartwright called for a motion to adjourn the meeting at 7:57 PM.

Motion: Adjourn the meeting. **Moved** by Ron West. **Seconded** by Chad Bowman. **Yes:** Bowman, Canary, Cartwright, Hanson, Ketchum, Schilling, Vercauteren and West. **No:** None.
Motion approved 8-0.

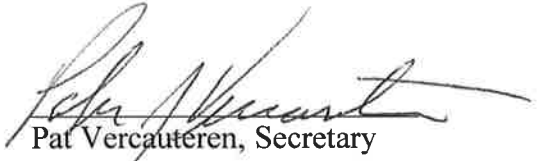
Approved on: June 27, 2020

By:



Dan Cartwright, Chairman

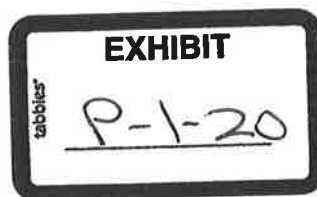
Attested By:



Pat Vercauteren, Secretary

P-1-20 Remonstrance Letters

A supplement to the April 27, 2020
Johnson County Plan Commission packet



Letter 1

6108 DEER CROSS PL
GREENWOOD, IN 46143

Johnson County Planning Commission

Re> Westport Homes (Bellevue) proposed neighborhood
Intersection of Olive Branch and Mullinax

Dear Planning Commission:

The Commission should vote "No" to the Bellevue neighborhood for three reasons:

- 1) Westport Homes is capable of building homes that would fit the surrounding neighborhood as shown by the neighborhood they are building in Bargersville/Highland Knoll at the current time. **WHY** are we in Center Grove settling for a vinyl sided neighborhood with extremely high density at the above location?

Other Westport neighborhoods (Bargersville/Highland Knoll & near Silver Springs on Morgantown) are using "Hardy Plank" and have brick on most of the sides as well as the back.

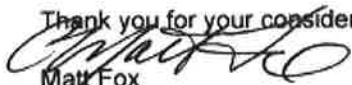
Why are we settling for less?

- 2) The planning commissions' mandate to protect adjacent property and the public interest obligates the commission to advocate for the best use of the land. As nearby homeowners and taxpayers, we feel building a **vinyl sided neighborhood** that is in direct opposition to the "Plan for the Land" the commission approved in 2011 as 2017 gives the commission plenty of room to work with Westport to build a more suitable neighborhood. As elected/appointed officials you are entrusted with the "Vision" of the county. I urge you to look 20 years down the road. Will the proposed neighborhood age better than the two other neighborhoods being built by Westport in Bargersville and north on Morgantown?
I think not.

- 3) In the 2017 Johnson County ordinances, it mentions 13,000 sq. ft as a minimum lot size for R2. The lot sizes of this neighborhood will be 8,160 sq. ft and 9,360 sq. ft. (38% and 28%) smaller than recommended. I understand by counting the flood plain and the pond, Westport gets to the desired density number under the requirement. *It is insulting to have their attorney claim that the proposed neighborhood will be the same density as Calvert Farms. No one, including the planning commission, believes this. **Your decision must reflect this reality.***

Yes, Westport Homes technically complies with all the ordinances in place. However, given the issues above, the Commission should vote "NO" and have Westport come back to the table with a proposal that is fitting with the surrounding areas. If they bring legal action against the commission so be it! **USE OUR TAX DOLLARS** to advocate for **A BETTER DEAL** for our community. We can do better than the "Bare Minimum" proposal offered by DR Horton. Do not let Center Grove be one of communities that settles for less than the absolute best DR Horton/Westport Homes can offer!

Thank you for your consideration,


Matt Fox
317-496-8733

Our vote is to OPPOSE THIS DEVELOPMENT AS PROPOSED!

We are asking the Planning Committee to PROTECT the existing community and CURRENT HOMEOWNERS and request Westport Homes step up their standards for this proposed development. Requesting that nothing less than brick around homes and hardy plank siding be accepted in the planned development. No Vinyl!

Quality:

Westport is proposing VINYL and only a percentage of the front of homes to have brick. This is unacceptable. The surrounding neighbors are mostly brick homes! Some smaller all brick and many large brick homes. The proposed property's largest neighbor is Saints Francis Catholic Church and School. The church and school were good stewards of the Center Grove Community and built an ALL brick building. Calvert Farms also chose the highest quality materials. Deerwood is all brick and wood trimmed homes. Several large estates are also neighbors to this property and they are all brick and stone with immaculate details. We want to maintain the quality of homes in this area! By using brick all the way around the homes and siding verses vinyl Westport could maintain a higher standard and be good stewards of our community! This development is being tagged as another vinyl village. While we understand vinyl has some advantages to the builder it does not bring any advantages to the value of the homes being built and neglects to take into consideration the current standards for homes in this area!

Misrepresented in Public Hearing:

Slides of Westport proposed homes shown at the meeting were of homes with hardy plank and cement siding, NOT vinyl! (When asked they confirmed they were siding not vinyl). In addition the slides the DR Horton/Westport lawyer shared at the meeting were NOT representative of the neighborhoods surrounding the proposed site. He showed two one story brick homes which DOES NOT represent the surrounding area and homes. There are mostly high quality homes that are large and some small but they are brick on all four side with stone and wood and hardy plank siding.

As proposed Meadows at Belleview is not going to be as nice as their Highland Knoll development. At a MINIMUM we would request the same quality and considerations as the Highland Knoll, Bargersville neighborhood if not higher standards! This property is a premier piece of property in Center Grove and should be treated as such in keeping with the quality of homes in the area.

Committee member noted he "would NOT approve this neighborhood if it was slated to be a vinyl siding". We hope this is still the case as they are still noting vinyl in the proposed development of Meadows at Belleview documents.

Density:

- The proposed neighborhood does not meet the recommended lot size of 13,000 sq ft. recommended in Johnson County's 2017 ordinances. The lot sizes proposed are 8,160 sq ft and 9,360 sq ft.

Letter 2, page 2/3

This neighborhood of 197 new homes, based on an average of four to five people per home will bring over 800-1000 new residents to a small area that already has traffic issues. We understand this issue of traffic is not in the planning committee's control but noting it as an ongoing concern since no answers were available to clear up these concerns for those present at meetings.

Representing the "REAL" Numbers:

Lawyer boasted 2.1 per acre which is based on total acreage not buildable which was closer to 3.5-4 per acre. This is NOT comparable to neighborhoods (Calvert Farms) with 2 homes per acre as lawyer has tried to make it out to be. I know we were asked not to discuss density at the last meeting and that they are able to build per the R2 zoning but the Planning Committee is also in place to PROTECT the existing community and CURRENT HOMEOWNERS and we want "real numbers".

Thank you for hearing and acting on these concerns and voting NO to this plan as proposed. Let the courts battle this issue and hold the Planning Committee responsible for PROTECTING the CURRENT HOMEOWNERS and existing community. If this housing development is approved as it is written it will forever negatively impact the this area. We are being bullied by one of the largest home developers in the U.S. They do not live in Center Grove and are not representing the quality of homes and community we want to up hold. They don't care because they don't live here. It is all money-driven! In the end we will be the ones to pay the price for a poorly developed housing area!

Several members of the committee expressed it is not right what Westport Homes is doing and it is not ideal for the area and yet we sense you are feeling strong-armed into approving. Noting outdated zoning. This is unacceptable. Who is protecting our rights?! The time for change is NOW. Not once this is approved! We are not lawyers but we all have rights and this is not right!

Before approving we need you to advocate for meaningful concessions requiring the builder use brick all the way around the homes and materials that do not include vinyl! We know Westport Homes can do better (Look at Highland Knoll)! This property and ALL of us CURRENT HOMEOWNERS, PROPERTY OWNERS AND TAY PAYERS EXPECT BETTER!

In addition we were told this hearing would NOT be held until we were able to be in person again. Given the state-mandated "stay at home" orders we are not able to make sure people are aware that this meeting is taking place. We had planned for a large showing at the next meeting to show the disapproval by the community.

We need your help to make this happen! We know they are capable of BETTER and as NEIGHBORS WE EXPECT BETTER!

Thanks for your shared concern and for Voting NO on this issue!


Natalie Fox
Center Grove Home Owner

P.S.

Objections to Meeting Format:

Is this meeting being held via Zoom within our legal rights to protest this issue? There is a statewide "stay-at-home" orders and we are NOT permitted to be in public spaces. I do not see how this is legal with the timing and limitation of the pandemic! There is a legal obligation to post notice of a meeting and there is NOT a sign posted for this public hearing or that letters are due.

Zoom meeting format will not work well with a large group of people! 20 minutes online will not be the same as 20 minutes in person. Nor is the impact the same as being in person! Also at the last meeting they verbally informed us that they would not have a meeting until we were all able to meet again **in person**.

Letter 3, page 1/2

To Whom it May Concern:

I am opposed to the development of the Meadows at Belleview subdivision. I currently live in Calvert Farms and have come back to the area after having graduated from Center Grove High School in 1988.

My primary reason for my opposition is that I believe the zoning committee has and continues to serve the interests of companies vs. constituents. The infrastructure in Johnson County is abysmal. Olive Branch road has not changed one bit since I left the community in 1992 and yet the level of traffic has increased by how much? Does the zoning committee even know? Have they done any studies to determine how this new neighborhood might add even more congestion and thus hazardous travel to the area? What about the rest of the utility infrastructure? Our public servants, i.e., police, fire, medical and the increased load put on them. This whole development feels rushed.

Additionally, with the new I-69 corridor, might it be better served for the area that a retail area or dare I say, a public park be put in place? Or better yet, simply press pause on the project until more information is provided as to the best use case, i.e., zoning is for the area? Something other than just the same run of the mill homes that are spread out all across the metro Indianapolis area.

At what point will Johnson County decide to stand out and be unique vs. just bowing to the pressure and money that a company like DR Horton offers. Again, what is the hurry to run this through? This feels like an "under the table" type deal in the way it is being shoved down the current residents' throats and with minimal discussion. A Zoom meeting to discuss this? Are you serious? It is just that urgent that it can't wait until the mandate for social distancing is lifted?

Frankly the county and its zoning efforts, particularly in White River Township should be fearful for the legacy they have left and continue to perpetuate as they seemingly have no master plan as to how the community and county at large will be shaped. If the county continues its zoning practices in this hap-hazard and lazy manner it will ultimately destroy the area. Along with your tax dollars. People won't want to live here but the REITs will love to rent out the homes of those who move away.

How about thinking and acting on behalf of the people who currently live here and serving them in a manner that they deserve. Growth for growth sake isn't always good, but thoughtful and educated growth can be great if done right. Plenty of other communities in the Indy area are doing it and doing it in a way that puts Johnson County to shame.

How are those communities who are attracting higher tax paying residents and ultimately more commercial tax dollars able to attract and grow the tax base? Simple, they do the right thing, they think ahead. They don't just see a piece of property and plug in pieces that fit because

Letter 3, page 2/2

they are simple in the short term only to find out years or decades later that the pieces when seen from a higher level in the long term don't fit together any longer. Short term gain for long term loss is no way to plan a community.

Start here and do not allow this neighborhood to be implemented without further guidance, thought, and education on the proposed use of the area.

Thank you for your time.

Mike Colombe
317-674-2937
colombemm@gmail.com

* At the bare minimum, require DR Horton to up their architecture standards to be more consistent with the surrounding neighborhoods and not the one family homes that they used in the last meeting as their idea of architectural standards. Those homes were constructed 50+ years ago along a country road. To even use those homes in a presentation to portray the standard they are striving for was a slap in the face. They didn't fool anyone. So again, what is the rush?

Letter 4

April 23, 2020

To Whom It May Concern,

Hello.

I am opposed to Petition #P-1-20 regarding the Westport Homes being built at the corner of Mullinex and Olive Branch Road. The following concerns come to mind:

- These vinyl homes will greatly decrease the value of the surrounding subdivisions that are built in all brick.
- These homes will lower the value of these neighborhoods- Calvert Farms and DeerWood Addition, etc.
- This high-density neighborhood will also cause traffic concerns in the area.

It is my hope that you will take these concerns into consideration. I am a concerned resident in the area as well as a local business owner.

Thank you

A handwritten signature in black ink, appearing to be 'A. W.', with a long, sweeping horizontal line extending from the end of the signature across the page.

Letter 5, page 1/2

To whom it may concern,

First and foremost, this whole Westport purchase/development was deceptively kept under the radar until the point of which none of the local residents who are directly impacted could actually have any input. It was kept secretive until mid-January in which the first Public Meeting on February 24th was announced. Apparently it was already pre-determined and a "yes vote was imminent" and there was not anything that could actually be done about it by the public regardless of the mass opposition. We feel that we have been done an injustice by the county, the out of date inadequate zoning, the developer who is NOT concerned with keeping up the integrity of the surrounding areas, and even the Archdiocese in selling this property for use other than the intent it was donated to them for.

We do not feel that Johnson County has given adequate consideration to this particular parcel of land in regards to the quantity or quality of homes that Westport will squeeze in there and the volume of traffic that it will put on the already heavily traveled Mullinix & Olive Branch Road (which is two lane but considered a "major collector"). The traffic the Church/School already produces prohibits the community around it from leaving at different points multiple times a day 7 days a week onto both Mullinix and Olive Branch. There will also be more traffic from the I-69 expansion and having one of the exits just to the north of the proposed new development. The development will also create an adverse disbursement of water during periods of heavy rain that will create potential flooding issues. There are existing drainage issues in this area already and one retention pond located at the edge of the development is not going to be adequate. We request that the drainage complaints be reviewed prior to even approving additional housing. We feel strongly that the county approvals have been quick cursory preliminary approvals without adequate consideration to the massive adverse impact it will have to neighboring residents.

We request that the county re-examine everything the developer has represented prior to approval. We have already discovered that the developer misrepresented the type of home they were putting in at the February 24th "Public Hearing" and showed pictures of an upgraded neighborhood off of Morgantown and County Line that has adequate spacing, and upgraded building materials that are not vinyl (contrary to the actual neighborhood they are putting in). Only when exposed did they even admit that what they were putting in the neighborhood was vinyl and not what they showed in pictures. The developer also misrepresented the area they were moving into and only showed pictures of the small ranch homes along the road and intentionally omitted the nicer homes and neighborhoods.

Current homes for sale off of Mullinix rd, Calvert Farms, and Deerwood as of April 23rd 2020 include:

\$950k

\$1.6 million

Letter 5, page 2/2

\$750k

\$620k

\$500k

\$440k

Not to mention the vast number of homes valued at \$750k to over a million in the general proximity. This neighborhood is not appropriate for the area in addition to the mass congestion it will create by putting another 400 plus cars on it daily.

The point of a public hearing is for both parties to be able to present their view to be taken into consideration, not for the decision to already have been made in favor of one party. We feel that we are being denied our due process and demand the right to appeal for reconsideration.

Sincerely,

Lynn Heineman

Letter 6

To Whom It May Concern:

I am opposed to the development of the Meadows at Belleview subdivision. I currently live in Calvert Farms and have strong ties to the community having lived in the area since childhood. I have seen many changes over the years as far as development and growth, and changes such as this are not in the best interest of the property owners who live in the areas surrounding the proposed subdivision.

This community does not need another cheaply thrown together 'vinyl village' that will go the way of so many others before it. They quickly become run-down and end up as rentals. It is my understanding that the developer will not require an HOA, which is a huge mistake. Also, the infrastructure of this area cannot withstand this type of development. Olive Branch road has not been upgraded/updated to keep up with the growth in the area, and the proposed subdivision will just exacerbate an already bad situation.

As a homeowner in this area, I am also concerned about my property value, and a development such as this, with very low construction and standards will do nothing for the value of existing homes in the surrounding area. The Planning and Zoning Commission in Johnson County needs to address the major infrastructure improvements that are desperately needed to deal with the growth that has already occurred, and more stringent design standards need to be implemented. Continuing down the same path and repeatedly making the same mistakes does nothing for improving Johnson County, and definitely deters attracting higher tax-paying residents.

I will close by saying I find it very concerning that this is even up for further discussion at the moment, and via ZOOM no less. This screams back-handed, under the table deal to me, and I'm sure many others in our community as well.

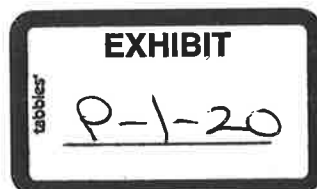
Sincerely,
Tiffany Usher
317-605-1076

EXHIBIT 2

Commitments

Case No.: P-1-20

1. Homes within the Meadows at Belleview subdivision (the "Subdivision") shall be constructed with exterior material of brick, stone, masonry, wood siding, fiber-cement board siding, composite lap siding, vinyl siding (as described below) or a combination of such materials. Vinyl siding shall be premium grade vinyl siding and shall have a minimum thickness of .044 inches and shall comply with ASTM (American Society for Testing and Materials) Standard Specifications for rigid poly siding (ASTM D3679). All siding shall be Class I as listed in this standard. The minimum length of uncut siding pieces shall be twelve (12) feet. The installer shall make every effort to minimize the number of joints and to keep the length of installed siding pieces to twelve (12) feet. Additionally, the selected materials shall preserve a wood grained finish in both the siding and the trim. On gable end trusses that are constructed out of two by four inch (2"x4") dimensional lumber installed vertically at sixteen inch (16") on center and where the vertical two by fours are ten feet or greater in length, the builder shall install a "strongback" and/or T-brace on the attic side of the truss, approximately at mid span of these vertical two by fours to serve as an added support mechanism to stop bowing of the vertical two by fours and the siding attached to it."
2. The front elevations of all homes constructed with vinyl siding within the Subdivision shall be constructed with brick or masonry exterior materials covering at least forty percent (40%) of the surface area of such front elevations, exclusive of doors, windows, trim and areas above a roof.
3. Four (4) trees per lot shall be installed at the time of construction of the home on such lot.
4. In substantial compliance with the landscaping depicted on the attached Exhibit 3, landscaping shall be installed along the perimeter of the Subdivision along the Mullinix Road and Olive Branch Road street frontages. Such landscaping shall be maintained by the Subdivision's Homeowner's Association (the "HOA").
5. HOA covenants shall provide that no above ground pools shall be permitted in the Subdivision, no chicken coops shall be permitted in the Subdivision and no boats or other watercraft shall be permitted to be stored in driveways or yards in the Subdivision.
6. HOA covenants shall provide that the only type of fencing permitted in yards located along the perimeter of the Subdivision along the Mullinix Road and Olive Branch Road street frontages is black aluminum / wrought iron style fencing.
7. Membership within the HOA and payment of HOA dues shall be mandatory for all lot owners within the Subdivision and HOA covenants shall be enforced by the HOA.



8. All homes within the Subdivision shall have architectural or dimensional 30-year shingles (i.e. no 3 tab shingles).
9. All homes within the Subdivision shall have roof overhangs with a minimum depth of 12".
10. The main roof of all homes within the Subdivision shall have a minimum roof pitch 6:12.
11. All homes within the Subdivision shall have attached 2-car or 3-car garages.
12. All homes within the Subdivision shall have two dusk-to-dawn coach lights.
13. All homes within the Subdivision shall have concrete driveways.
14. All street facing garage doors on homes within the Subdivision must include windows and/or decorative hardware.